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Stephen Dintino, 913 Greenwood Circle, Coatesville, PA 19320 610-656-0176

USPTO Application Number: 10/725,907

17 June 2005

United States Department of Commerce  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Organization: TC3700, Building: Randolph  
Patent Examiner Camtu Nguyen, 571-272-4799

Dear Camtu Nguyen:

I received your Office Action Summary correspondence on Thursday, 16 June 2005.

Thank you for answering my questions during our earlier telephone conversation.

I amended the CLAIMS with specific information, which I hope will satisfy the examination.

I also amended the DRAWING, and I numbered the references accordingly, which I hope will clarify the information and satisfy the examination.

I've attached a copy of your correspondence for your reference, and I've attached the amended CLAIMS and DRAWING for your review.

Please contact me if you have any questions, concerns, comments or suggestions.

Thank you for your time, attention and assistance. I appreciate your exemplary work.

Respectfully,

Stephen Dintino, 610-656-0176, [SDintino@aol.com](mailto:SDintino@aol.com)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,907

12/02/2003

Stephen Dintino

3943

39417

7590

06/14/2005

STEPHEN DINTINO  
913 GREENWOOD CIRCLE  
COATESVILLE, PA 19320



EXAMINER

NGUYEN, CAMTU TRAN

ART UNIT

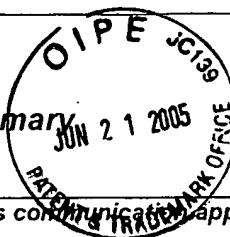
PAPER NUMBER

3743

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary



Application No. 10/725,907	Applicant(s) DINTINO, STEPHEN	
Examiner Camtu T. Nguyen	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance: See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 1 does not specifically point out where reference numerals 1-13 are referring to in the drawing. Currently all of the reference numerals 1-13 either point by arrow "below" or arrow "above", which is confusing. Furthermore, the background is dark making it difficult to decipher what the device looks like.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The claim rejected under 35 U.S.C. 102(b) as being anticipated by Wilmoth, III (U.S. Patent No. 5,118,108). Wilmoth, III discloses a baton comprising a club portion (11), a handle portion (12), a hand guard (13), a trapping tip (14), a side guard (15). The Wilmoth, III device is capable of providing to the Police, Law Enforcement, Corrections, Medical and Public Safety

Art Unit: 3743

personnel a tool to safely control and restrain a physically aggressive person, and to minimize the use of force. With regards to the "Giraffe", as recited, this limitation has been considered but however had been given little weight into the broadly interpretation of the claim.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537.

The examiner can normally be reached on (M-F) 8:30-5:00.

571-272-4799

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

571-272-4791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen  
June 9, 2005

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700

